IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10636 of 1997

Between:

Burma Sadanandam, S/o.Late Santhaiah,
R/o. 469, Doollapally Village, Qutbullapur Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 Mandal Revenue Officer,
Qutbullapur Mandal, Ranga Reddy District.
2 Dappu Balamma, W/o. Uppalaiah,
R/o. 469, Dollapally Village, Qutbulla Puram Mandal,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the all the records from the 1st Respondent in proceedings No. A/1881/96, Dt. 14.3.1997 including all further proceedings in pursuance to the said proceedings, dt. 14.3.1997 and issue Writ, order or direction, particularly one in the nature of Writ of Mandamus and set aside the orders passed by the 1st Respondent in pursuance to the proceedings No. A/1881/96, dt. 14.3.1997, including all further Proceedings, holding the same as arbitrary, illegal, unjust, contrary to law, without appreciation of the facts of the case, and contrary to the provisions of the Act, and in violation of principles, of natural Justice, and also in violation of Article 14 and 300-A of the Constitution of India, and grant all consequential reliefs/ benefits in favour of the petitioner herein.

Counsel for the Petitioner:RAO & CO., LAWERS

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus questioning the proceedings No. A/1881/1996 dated 14-03-1997 passed by the 1st respondent as illegal and arbitrary.

The order impugned by the writ petitioner is extracted hereunder:

> "..... In the reference 1st cited Smt Dapu Balamma & others have filed petition along with affidavit duly attested by the public notary and certified copy of Tenancy register of Doolapally Village and request to grant succession of the land bearing Sy.No.102, 139 measuring Ac.8.30 gts of Doolapally village.
>
> According to the certified copies of the provisional list of P.T's to whom ownership of lands (to be)transferred u/s 38-E of the A.P.(T.A.) Tenancy and Agril. Lands Act, 1950 of Doolapally village. Sri Dappu Yellaiah s/o Lingaiah is entitled an extent of Ac.6.00 of land in Sy.No.139 of Doolapally village and an extent of Ac.2.30 gts in Sy.No.102 of Doolapally village.
>
> On receipt of the application the case was taken on file and notification were issued to appear before the Mandal Revenue Officer on
> 17-02-1997. But no-objections were received.
>
> Hence succession is hereby sanctioned in favour of following legal heirs of Sri Dapu Yellaiah.

1. Smt. Dapu Balamma
2. Sri Dapu Muthyulu
3. Sri Dapu Narayana
4. Sri Dapu Lingaiah
5. Sri Dapu Gopal
6. Sri Dapu Das
7. Sri Dapu Nagaiah....."

No doubt, certain submissions were made by Sri Venkata Ramana Rao, learned counsel appearing for the writ petitioner that the impugned order is not clear as to whether in relation to the grant of succession in connection with P.T. rights only or in relation to certain other aspects also.

As can be seen from the impugned order referred to supra, the prime question involved is in relation to the succession of P.T. rights, which is not in serious controversy. The remedy available to the writ petitioner is to file an appeal before the appellate authority.

In the facts and circumstances of the case, it would be just and proper to dispose of the writ petition directing the writ petitioner to prefer an appeal before the appellate authority-Joint Collector Ranga Reddy District within a period of two months from to-day. On such appeal, the appellate authority-Joint Collector, R.R. District shall entertain the same and dispose of the matter in accordance with law. No costs.

15-02-2005 _____

P.S.NARAYANA, J

MJL/*

To,

1 The Mandal Revenue Officer,
Qutbullapur Mandal, Ranga Reddy District.
2 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

3. 2 CD copies.